

Remarks

Upon entry of the above amendments this application will contain claims 7-9, 11-13, 18-20, and 36-43 pending. This application entered the US national stage with claims 1-29 based on PCT/US2004/035529. In the latest official communication, claims 7-9, 11-13, 16, 17, 36-38, and 40-43 were considered to be allowable. Claims 1-6, 10, 14-17, 21-35 have been canceled. It is believed that this application is now in condition for allowance; timely reconsideration leading to withdrawal of all rejections is requested.

I Interview Summary:

The undersigned wishes to express his appreciation to the courtesies extended by Examiner Chandrakumar during the telephonic interview on Monday, 12 January 2009. Claims 14-20 were discussed during that interview.

II Election/Restriction

The previously withdrawn method claims have been rejoined.

III Rejections under 35 USC §112, second paragraph

Previous rejections under 35 USC §112, second paragraph have been withdrawn.

Claim 14 was rejected for including the term “or” between the subparagraphs denoted by A1 and B1. Claim 14 has been canceled. Consequently, this rejection is moot.

IV Rejections under 35 USC §112, first paragraph

Previous rejections under 35 USC §112, first paragraph have been withdrawn.

Claims 14-15, 18-20, 23, and 39 were rejected under 35 USC §112, first paragraph. It was alleged that the claims contain subject matter, which was not described in the specification to reasonably convey that the inventors at the time of filing had possession of the claimed invention.

The applicants believe that these claims are sufficiently described in the specification. However in order to advance the prosecution of this application, claims 14-15, and 23 have been canceled. The applicants reserve the right to pursue these claims in a continuing application.

Claim 18 has been amended to delete reference to all diseases and/or conditions except osteoporosis and psoriasis. Similarly claim 39 has been amended to recite a method of treating a mammal or alleviating the pathological effects of psoriasis. It is believed that these amended claims are sufficiently described in the present specification. The assay methods described in the present specification beginning on pages 205-207 and the resulting data provided in Tables 1-3 on

pages 200-204 adequately disclose that the claimed compounds can be used to treat the diseases/conditions recited in claims 18-20 and 39.¹ (See Cross v Iizuka, 224 USPQ 739 747-748 (Fed. Cir. 1985) (The CAFC found that *in vitro* testing to be sufficient to satisfy enablement requirement without resorting to undue experimentation.)

V Rejection under 102(b)

Claim 14 was rejected as “being anticipated in the prior art”. Claim 14 has been canceled. Consequently, this rejection is moot.

VI Canceled Claims

Claims 16 and 17 have been canceled in order to advance the prosecution of this application. The applicants reserve their rights to present these claims in a continuing application.

VII Conclusion

In light of the above amendments and comments withdrawal of all rejections and timely reconsideration leading to allowance of all pending claims are respectfully requested. The Examiner is invited to contact the undersigned attorney by telephone if there are any questions about this Submission or other issues that may be resolved in that fashion.

Respectfully submitted,

/James B. Myers/
James B. Myers
Attorney for Applicants
Registration No. 42,021
Phone: 317-276-0755

Eli Lilly and Company
Patent Division
P.O. Box 6288
Indianapolis, Indiana 46206-6288
13 January 2009

¹ Unless specifically noted to the contrary all citations to the present application or specification refer to PCT application, WO 05/0519,838, published 9 June 2005.